

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, THE ESTATE
OF CHERRIGALE TOWNSEND and THE HELEN
CHRISTINE TOWNSEND MCDONALD TRUST

Plaintiffs,

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED
SHEERAN, ATLANTIC RECORDING
CORPORATION, d/b/a ATLANTIC RECORDS,
SONY/ATV MUSIC PUBLISHING, LLC, and
WARNER MUSIC GROUP CORPORATION, d/b/a
ASYLUM RECORDS

Defendants.

ECF CASE

17-cv-5221 (LLS)

**DECLARATION OF DONALD
S. ZAKARIN IN OPPOSITION
TO PLAINTIFFS' SECOND,
THIRD AND FOURTH
MOTIONS *IN LIMINE***

I, DONALD S. ZAKARIN, declare as follows:

1. I have personal knowledge of, and am fully familiar with, the facts set forth in this Declaration, which I respectfully submit on behalf Defendants Edward Christopher Sheeran ("Sheeran"), Atlantic Recording Corporation ("Atlantic") and Sony/ATV Music Publishing LLC (n/k/a Sony Music Publishing (US) LLC) ("SMP," together with Atlantic and Sheeran, the "Defendants" and each a "Defendant") in opposition to the second, third and fourth motions *in limine* filed by the Plaintiffs.

2. A copy of a Declaration executed by Sheeran, dated September 27, 2018 and filed in this action (ECF 87) is annexed as **Exhibit 1**.

3. Excerpts of Sheeran's deposition in this action are annexed as **Exhibit 2**.

4. More than two years ago, on October 12, 2020, my colleague emailed a draft of the Liability Pretrial Order to the Plaintiffs which listed every single one of the YouTube videos at issue on Plaintiffs' second motion *in limine* and which included links to each such YouTube video.

I was copied on that email, and I have reviewed the email and its attachments.

5. Defendants' Proposed Trial Exhibit No. 302 is annexed as **Exhibit 3**.
6. Defendants' Proposed Trial Exhibit No. 303 is annexed as **Exhibit 4**.
7. Defendants' Proposed Trial Exhibit No. 205 is annexed as **Exhibit 5**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 23, 2023



DONALD S. ZAKARIN